

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

FITZGERALD DAVIS,

Plaintiff,

No. 2:20-cv-1347 DB P

v.

COUNTY OF SACRAMENTO, et al.,

Defendants.

ORDER

Plaintiff is county jail detainee proceeding pro se with a civil rights lawsuit pursuant to 42 U.S.C. § 1983. Plaintiff alleges that the Rio Consumnes Correctional Center is not complying with the Center for Disease Control's guidelines on COVID-19.

By order dated July 17, 2020, the complaint was dismissed with leave to amend for failure to state a claim. (ECF No. 4.) Plaintiff was directed to file an amended complaint within sixty days and warned that failure to do so may result in a recommendation that this action be dismissed. The time to file an amended complaint has expired and plaintiff has not filed an amended complaint, requested additional time to file an amended complaint, updated his address, or otherwise responded to the court's order. Because plaintiff has failed to do so, the court will recommend that this action be dismissed.

Accordingly, the Clerk of the Court is ORDERED to randomly assign this action to a district judge.

1 IT IS HEREBY RECOMMENDED that this action be dismissed. See Local Rule 110;  
2 Fed. R. Civ. P. 41(b).

3 These findings and recommendations are submitted to the United States District Judge  
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
5 after being served with these findings and recommendations, plaintiff may file written objections  
6 with the court and serve a copy on all parties. Such a document should be captioned  
7 "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that  
8 failure to file objections within the specified time may waive the right to appeal the District  
9 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

10 Dated: September 23, 2020

11   
12 DEBORAH BARNES  
13 UNITED STATES MAGISTRATE JUDGE  
14  
15  
16  
17  
18  
19

20 DB:12  
21 DB:1/Orders/Prisoner/Civil.Rights/davi1347.f&rs.dism  
22  
23  
24  
25  
26  
27  
28